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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,012	01/28/2000	Osamu Hori	0039-7540-2SRD	1658

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EXAMINER
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CARTER, AARON W

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 04/02/2004

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/493,012

Applicant(s)

HORI ET AL.

Examiner

Aaron W Carter

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 7, 2004 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed January 4, 2004 have been fully considered but they are not persuasive.

Applicants argue that Hoffert does not teach or suggest sampling video information...with a variable time interval parameter and a variable size parameter to obtain thumbnail frames.

Examiner disagrees, Hoffert discloses sampling a filmstrip at temporal width (TW) points, which is based on the length of time of the filmstrip (T) and the number of filmstrip frames to be displayed (N), as thumbnail images. Where (N) is based on the total width of the filmstrip (W), each individual frame of the filmstrips width (FW) and the distance between frames (D). Each of these parameters varies between different filmstrips or video information sets. Therefore in the broad sense of the claimed limitations, sense each individual filmstrip is sampled differently based on the above parameters, it could be said that the time and size

Art Unit: 2625

parameters are variable. Please refer to previous rejections made in paper number 11 and restated below.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-18, 22-27, 31-42, and 46-51 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,374,260 to Hoffert et al. ("Hoffert").

As to claim 1, Hoffert discloses image information describing method comprising:

sampling video information including video frames with a variable time interval parameter (column 12, line 63 – column 13, line 12 and column 14, lines 19-37, wherein frame blocks are first chosen at evenly spaced points, then varied according to frame content) and a variable size parameter (column 11, line 61 – column 12, line 25, especially column 12, lines 4-8) to obtain thumbnail frames (column 12, lines 27-40); and

describing attribute information for specifying each of the video frames corresponding to each of the thumbnail frames as thumbnail information (column 13, lines 30-41).

As to claim 9, 12, 15, 16, 22, and 25 Hoffert discloses a video retrieval method for retrieving video information including a plurality of video frames by employing thumbnail

Art Unit: 2625

information concerning a plurality of thumbnail frames (column 12, lines 27-40) obtained by sampling video information with a variable time interval parameter (column 12, line 63 – column 13, line 12 and column 14, lines 19-37, wherein frame blocks are first chosen at evenly spaced points, then varied according to frame content) and a variable size parameter (column 11, line 61 – column 12, line 25, especially column 12, lines 4-8), the video retrieval method comprising:

describing, as the thumbnail information, attribute information containing at least first position information indicative of a position on a time axis in order to specify the video frame corresponding to each of the thumbnail frames (column 12, line 63 – column 13, line 12 and column 7, line 30-33); and

retrieving the thumbnail frame having the closest first position information to a second position information indicative of a position on the time axis of a desired video frame of the predetermined video information (column 14, lines 17-36, wherein a frame is chosen that is the closest first position to a video segment meeting some predetermined criteria which corresponds to a threshold, such as degree of change in motion, brightness, or contrast, which corresponds to scene change).

As to claims 31, 34, 37, 40, 46, and 49, Hoffert discloses the image information describing method according to claim 1, the sampling comprising:

Sampling a video frame in the video information (column 12, line 63 – column 13, line 12);

Extracting a part of the sampled video frame (column 13, lines 30-41); and

Sampling the extracted part (column 14, lines 17-36).

As to claims 32, 35, 38, 41, 47, and 50, Hoffert discloses the image information describing method according to claim 1, the sampling comprising:

Sampling a video frame in the video information (column 12, line 63 – column 13, line 12); and

Reducing a resolution of the sampled video frame (column 11, lines 61 – column 12, line 21).

As to claims 33, 36, 39, 42, 48, and 51, Hoffert discloses the image information describing method according to claim 1, the sampling comprising:

Sampling a video frame in the video information (column 12, line 63 – column 13, line 12); and

Reducing a size of the sampled video frame (column 11, lines 61 – column 12, line 21).

As to claim 2, Hoffert discloses the image information describing method according to claim 31, further comprising describing additional information contains scene change position information of the video information (column 11, lines 29-33, column 13, lines 30-48, and column 14, lines 17-36, wherein info relating to brightness, contrast and motion are compared with predetermined criteria which corresponds to detecting scene change position).

As to claim 3, Hoffert discloses the image information describing method

Art Unit: 2625

according to claim 31, further comprising additional information contains frame change value information of the video information (column 7, lines 30-33, wherein frame rate corresponds to frame change value).

As to claim 4, Hoffert discloses the image information describing method according to claim 31, wherein the attribute information contains position information indicative of a position on a time axis of the video frame corresponding to the thumbnail frame (column 6, lines 24-29 and column 12, line 63 – column 13, line 12).

As to claim 5, Hoffert discloses the image information describing method according to claim 31, wherein the attribute information contains information concerning the size of the thumbnail frame (column 7, lines 30-33 and column 11, lines 61 – column 12, line 21).

As to claim 6, Hoffert discloses the image information describing method according to claim 31, wherein the thumbnail information contains information concerning the resolution of the thumbnail frame (column 6, lines 24-29 and column 11, lines 61 – column 12, line 21).

As to claim 7, Hoffert discloses the image information describing method according to claim 31, wherein the thumbnail information contains image data of the thumbnail frame or a pointer for the thumbnail frame (column 12, line 63 – column 13, line 12, wherein it is inherent that a pointer to various video segments is contained in the thumbnail information since the user is able to access portion as they wish).

As to claim 8,11,14,18,24 and 27, Steele discloses the image information describing method according to claim 31, wherein the plurality of the thumbnail frames are stored as one item of the thumbnail information (column 7, lines 16-35 wherein content previews corresponds to the thumbnail images and content attributes along with the rest of the file corresponds to the thumbnail information, which make up one item altogether).

As to claim 10,13,17,23 and 26, Hoffert discloses the video retrieval method according to claim 9, wherein the thumbnail frames contain a frame obtained by sampling only an arbitrary part of one frame of the video information with arbitrary time interval and size (column 14, lines 17-36, wherein thumbnail frames consist of a frame obtained by sampling a set attributes relating to the frame of the video information with arbitrary time interval and size).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 19-21, 28-30, 43-45, and 52-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffert in view of USPN 5,995,707 to Lee.

As to claims 19 and 28, Hoffert discloses a video reproducing method for reproducing video information including a plurality of video frames by employing thumbnail information



Art Unit: 2625

concerning a plurality of thumbnail frames (column 12, lines 27-40) obtained by sampling video information with a variable time interval parameter (column 12, line 63 – column 13, line 12 and column 14, lines 19-37, wherein frame blocks are first chosen at evenly spaced points, then varied according to frame content) and a variable size parameter (column 11, line 61 – column 12, line 25, especially column 12, lines 4-8), the video retrieval method comprising:

describing, as the thumbnail information, attribute information containing at least first position information indicative of a position on a time axis in order to specify the video frame corresponding to each of the thumbnail frames (column 12, line 63 – column 13, line 12 and column 7, line 30-33); and

describing frame change value information of the video information as additional information (column 7, lines 30-33, wherein frame rate corresponds to frame change value); Hoffert neglects to explicitly disclose reproducing the original video frames at a variable speed or changing a reproduction speed of the thumbnail frames according to the frame change value information. However, Lee teaches us of an improved speed change reproduction apparatus that stores speed change data into a plurality of frames (column 4, lines 20-29). Therefore it would have been obvious to one of ordinary skill in the art to combine the invention of Hoffert and the teachings of Lee. This would provide the invention with the advantage of achieving better resolution during a speed change reproduction operation (column 4, lines 22-24).

As to claims 43 and 52, please refer to rejections made for claim 31 above.

As to claims 44 and 53, please refer to rejections made for claim 32 above.

As to claims 45 and 54, please refer to rejections made for claim 33 above.

Art Unit: 2625

As to claims 20 and 29, please refer to rejections made for claim 10 above.

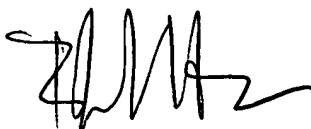
As to claims 21 and 30, please refer to rejections made for claim 11 above.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron W Carter whose telephone number is (703) 306-4060. The examiner can normally be reached on 7am - 3:30 am (Mon. - Fri.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
awc

  
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